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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/407,581 | 09/28/1999 | FREDERIC ZENHAUSERN | 4467-103US | 2941 |

7590 12/21/2004
Patrick H Higgins
997 Lenox Drive Building 3
Lawrenceville, NJ 08648

EXAMINER

TSAI, CAROL S W

ART UNIT PAPER NUMBER

2857

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

| | | |
|--------------------------------------|---|--|
| Application No. 09/407,581 | Applicant(s) ZENHAUSERN, FREDERIC | |
| Examiner Carol S Tsai | Art Unit 2857 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) The period for reply expires 3 months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

- 1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
- 2. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

- 3. Applicant's reply has overcome the following rejection(s): _____.
- 4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
- 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
- 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-7,10-13,15,16,18,19 and 43.

Claim(s) withdrawn from consideration: _____.

- 8. The drawing correction filed on _____ is a) approved or b) disapproved by the Examiner.
- 9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
- 10. Other: _____

Continuation of 5. does NOT place the application in condition for allowance because:

Applicant's arguments filed November 30, 2004 have been fully considered but they are not persuasive. Applicant argues that Sunshine et al. do not teach a non-destructive in situ method for directly monitoring an electronic device, comprising measuring at least one outgas or volatile organic compound of a material, a byproduct of the material, a reaction product of a constituent of the material, or a contaminant of a material of the electronic device; that applicant argues that the instant invention specifically requires an in situ method for directly monitoring electronic or optic equipment and devices, that accordingly, since Sunshine et al. does not teach, contemplate or suggest all of the limitations of the pending method of use claim, i.e., the method of solving the problem of monitoring electronic devices (e.g., instead of physically breaking an integrated circuit and sampling of components through complex near-infra-red measurement methods), the Sunshine et al.'s disclosure cannot as a matter of law anticipate the Applicant's defined method. The Examiner disagrees with applicant. As set forth in the art rejection mailed September 01, 2004, Sunshine et al. do disclose a non-destructive in situ method for directly monitoring an electronic device, comprising the steps of: measuring volatile organic compound of a material by means of a multisensor array comprising at least one solid-state gas sensor (see Abstract, lines 5-10; col. 2, lines 37-46; col. 2, line 65 to col. 3, line 9; and col. 10, line 41-55); detecting more than one property of the volatile organic compound (see col. 3, lines 28-52 and col. 5, line 58 to col. 6, line 4); combining the detected properties to produce a signal output (see Figs. 9A, 9B, and 9C; Abstract, lines 10-13; col. 1, lines 35-40; col. 10, lines 21-40; and col. 24, lines 33-40); and processing the signal output with multivariate analysis to convert the signal output into information representative of a quality of the material (see col. 24, lines 28-39). In addition, it is noted that the features upon which applicant relies (i.e., the method of solving the problem of monitoring electronic devices, e.g., instead of physically breaking an integrated circuit and sampling of components through complex near-infra-red measurement methods) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).